

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION

In re: Criminal Trial Docket
December 8, 2014

ORDER SETTING PRETRIAL CONFERENCES

I. Schedule of Pretrial Conferences

Pursuant to the direction of the court en banc, the following criminal cases are set for pretrial conferences before United States Magistrate Judge Robert E. Larsen on Friday, November 21, 2014, commencing at the times¹ shown below or as soon thereafter as they may be reached. No defendant or counsel will be excused because of failure to reach a criminal case at the time fixed unless excused by me.

Counsel and the defendant are to appear in court at least ten minutes before their case is scheduled to be heard. The attorneys, including defense and government counsel, who will try the case shall attend the pretrial conference. Each defendant is to be present.

All pretrial conferences will be held in Courtroom 6D, United States Courthouse, 400 East Ninth Street, Kansas City, Missouri 64106.

<u>No./Time</u>	<u>Parties</u>	<u>Counsel</u>
14-06014-01-CR-W-DGK 9:00 a.m. CUSTODY	United States of America v. Kristina M. Swinford	Alison Dunning Travis Poindexter
14-00298-01-CR-W-DW 9:15 a.m. CUSTODY	United States of America v. Jerome Cheeks	Jeffrey McCarther Bob Kuchar
14-00287-01/02-CR-W-DGK 9:30 a.m. CUSTODY CUSTODY	United States of America v. Eric L. Price Cortez T. Timley	Mike Green Bob Kuchar Patrick O'Connor

¹The times of pretrial conferences are subject to change. An amended order, if necessary, will be filed by November 19, 2014.

<u>No./Time</u>	<u>Parties</u>	<u>Counsel</u>
14-00279-01-CR-W-HFS 9:45 a.m. CUSTODY	United States of America v. Charles Darron Allen	William Meiners Anita Burns
14-00257-01-CR-W-DGK 10:00 a.m. CUSTODY	United States of America v. Theron L. Davis	Justin Davids Carie Allen
14-00256-01-CR-W-HFS 10:15 a.m. CUSTODY	United States of America v. James A. Crockett, Jr.	Charles Ambrose David Rauzi
14-00251-01-CR-W-HFS 10:30 a.m. CUSTODY	United States of America v. Noel Zavala	Rudolph Rhodes John Jenab
14-00236-01-CR-W-BCW 10:45 a.m. CUSTODY	United States of America V. Terrell E. Lewis	Mike Green John Osgood
14-00205-01-CR-W-DGK 11:00 a.m. CUSTODY	United States of America v. Lee D. Schweinefus	Rebecca Terry Larry Pace
14-00180-01-CR-W-DGK 11:15 p.m. CUSTODY	United States of America v. DeMarco R. Knott	Joe Marquez Carie Allen
14-00160-01-CR-W-GAF 11:30 a.m.	United States of America v. Arthur L. Payne	Jess Michaelson Steve Moss
14-00148-01-CR-W-HFS 11:45 a.m.	United States of America v. Eric M. Wiley	William Meiners Anita Burns

<u>No./Time</u>	<u>Parties</u>	<u>Counsel</u>
14-00143-01-CR-W-BCW 1:30 p.m.	United States of America v. Yader Jose Arita	William Meiners Anita Burns
14-00141-01-CR-W-GAF 1:45 p.m. CUSTODY	United States of America v. Theodore Watkins, Jr.	Patrick Edwards Jeffrey McCarther Jonathan Truesdale
14-00084-01-CR-W-DGK 2:00 p.m.	United States of America v. Tracy J. Yost	Katharine Fincham Bob Kuchar
14-00065-01-CR-W-DW 2:15 p.m.	United States of America v. Brandon T. Franklin	Brent Venneman Cynthia Dodge
14-00022-01-CR-W-HFS 2:30 p.m. CUSTODY	United States of America v. Jason Rowland	Bruce Clark Michael Marcotte
14-00001-01-CR-W-GAF 2:45 p.m. CUSTODY	United States of America v. Joseph Patrick Balano	Jane Brown Ronna Holloman-Hughes
13-00393-01-CR-W-DGK 3:00 p.m. CUSTODY	United States of America v. Leon D. Stinnett	Rudolph Rhodes David Kelly
13-00317-03/04-CR-W-GAF 3:15 p.m.	United States of America v. Zachary W. Walker Mitchell A. Higdon	Stefan Hughes Bob Kuchar John Gromowsky
13-00272-01-CR-W-BP 3:30 p.m. CUSTODY	United States of America v. Jeffrey L. Treta	Katharine Fincham Bill Raymond

<u>No./Time</u>	<u>Parties</u>	<u>Counsel</u>
12-06012-01-CR-SJ-GAF	United States of America	Bruce Rhoades
3:45 p.m.	v.	
CUSTODY	Jeffrey Ray Pendleton	David Kelly

II. Pretrial Conference

Counsel are instructed to be prepared to discuss the following issues at the pretrial conference:

1. Facts or circumstances requiring a larger jury panel (more than 43),
2. Pending motions,
3. Estimated trial time,
4. Discovery problems,
5. Possible stipulations (counsel should have proposed stipulations available for review and signature by the parties at the conference);
6. Exhibits to be offered at trial (exhibit lists should be brought to the pretrial conference),²
7. Witnesses to be called at trial (witness lists, with the witnesses listed in alphabetical order by last name and then by first name, should be brought to the pretrial conference), and
8. Change of plea or dismissal of charge.

Each of these criminal cases, unless given a special setting, is set for trial on a criminal trial docket with all available district judges sitting beginning December 8, 2014.

²PLEASE NOTE THE REQUIREMENT THAT ALL EXHIBITS MUST BE NUMBERED WITH ARABIC NUMBERS AND NO SUB-PARTS, THAT IS, EXHIBITS MUST BE NUMBERED 1, 2, 3, 4, ETC. NO EXHIBITS NUMBERED 1A, 1B, 2A, 2B, ETC., WILL BE PERMITTED.

III. Witness Lists, Exhibit Lists, Proposed Voir Dire and Jury Instructions

It is

ORDERED that by the day of the pretrial conference, the parties shall file with the Clerk of Court witness lists, with the witnesses listed in alphabetical order by last name and then by first name, and exhibit lists. In addition, a copy of each must be brought to the pretrial conference. It is further

ORDERED that by Wednesday, December 3, 2014, counsel shall file with the Clerk of the Court:

1. Memoranda or briefs on anticipated evidentiary questions,
2. Memoranda or briefs on legal questions on which the parties request pretrial rulings,
3. Proposed voir dire questions, and
4. Two copies of jury instructions (one copy reflecting the source of the instruction and a second clean copy).

PLEASE NOTE: Counsel in all cases assigned to be tried before Judge Fernando Gaitan, Jr., as reflected in the forthcoming trial letter, shall meet and prepare a packet of agreed proposed jury instructions to be submitted to Judge Gaitan and e-mailed to marylynn_shawver@mow.uscourts.gov and rhonda_enss@mow.uscourts.gov by December 5, 2014. To the extent there are disagreements to certain instructions, each attorney shall tab and submit his or her preference on those instructions. The instructions shall be listed in the order they are to be given.

It is further

ORDERED that all trial exhibits shall be premarked and listed on the Clerk of the Court Exhibit List form.

IV. Continuances and Pleas

Regarding motions for continuances and possible changes of plea, it is

ORDERED that a defendant who intends to file a motion to continue the trial of his or her case until the next docket, which is January 12, 2015, shall file such motion promptly.

Any motion filed must include a statement indicating the position of every other party in the case, i.e., whether that party objects to a continuance, does not object to a continuance, or joins in the motion for the continuance.³ In addition, every motion must include specific reasons why a continuance is necessary. The motion shall state specifically what discovery and investigation has been completed, specifically what discovery and investigation remains to be completed, and a specific explanation as to why the continuance is being sought.

It is further

ORDERED that counsel for a defendant who intends to change his or her plea from “not guilty” to “guilty” or “nolo contendere” shall immediately call the Courtroom Deputy of the assigned District Judge at the telephone number listed below so that a change of plea hearing can be set before the District Judge. Counsel shall then immediately notify my courtroom deputy at 816-512-5774 of the date for the scheduled change of plea. The defendant will not be removed from the pretrial conference docket unless my office is notified by counsel of the change of plea hearing.

/s/ Robert E. Larsen

ROBERT E. LARSEN
United States Magistrate Judge

Kansas City, Missouri
November 7, 2014

³A statement in the motion indicating that co-counsel have been contacted is not sufficient. If co-counsel has not responded, the movant shall include a statement in the motion of the specific attempts made to contact that attorney. Failure to comply with this requirement will result in the motion being returned to the movant’s attorney with a request to file an amended motion with the requested information. Any attorneys who repeatedly fail to respond when asked for their position on a motion to continue may be removed from the list of approved CJA attorneys.

Courtroom Deputy Information:

<u>Division</u>	<u>District Judge</u>	<u>Courtroom Deputy</u>	<u>Phone #</u>
DGK	D. Gregory Kays	Alex Francis	816-512-5629
GAF	Gary Fenner	Terri Moore	816-512-5674
BP	Beth Phillips	Kelly McIlvain ~ or ~	816-512-5744
		Tina Duer	816-512-5614
BCW	Brian Wimes	Joella Baldwin	816-512-5052
FJG	Fernando Gaitan, Jr.	Rhonda Enss	816-512-5644
NKL	Nanette Laughrey	Renea Matthes	816-512-5689
HFS	Howard Sachs	Kelly McIlvain ~ or ~	816-512-5744
		Tina Duer	816-512-5614
ODS	Ortrie Smith	Renea Matthes	816-512-5689
DW	Dean Whipple	Alex Francis (odd) ~ or ~	816-512-5629
		Terri Moore (even)	816-512-5674
SOW	Scott Wright	Kelly McIlvain ~ or ~	816-512-5744
		Tina Duer	816-512-5614